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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,241	07/31/2000	Maury E. Collett II	CLT-100	3877

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,241

Applicant(s)COLLETT, MAURY E. **Examiner**

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/28/04 and 8/18/04.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16 and 18-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-16 and 18-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the sixth office action for application number 09/629,241, Wiring Clip for Securing Electrical Wiring to a Framing Member, filed on July 31, 2000. Claims 14-16 and 18-32 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 14-16, 18-20, 26, 27 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,463,189 to Deneke et al. (Deneke) in view of U.S. Patent 5,821,469 to Shanmugham in view of U.S. Patent 5,141,185 to Rumbold et al (Rumbold). Regarding claims 14, 18-20, 27, and 32, Deneke teaches a method for securing electrical wiring to a framing member having a face and two sides comprising: positioning the electrical wiring (12) parallel to the length of the framing member (14) and centrally locating the wiring on the face thereof; and securing the electrical wiring to the framing member by receiving the electrical wiring within a wire receiving area (see Fig. 1) of a securing member (15) and fastening the securing member to the framing member. Deneke does not teach the securing member being a wiring clip including a main body with a wire receiving area and first and second arms, and the method for securing including attachment of the wiring clip over the electrical wiring. Shanmugham discloses a method of securing electrical wiring to a support (130) having a face (at 130) and two sides comprising: positioning wiring

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(120) on the support (130); attaching a first arm (at 107) of a plastic wiring clip (110) to a first side of the support via a first attachment means (108); attaching a second arm (at 113) of a wiring clip (110) to a second side of the support via a second attachment means (at 114); and moving the wiring clip over the support such that the wiring is positioned within a wire receiving area (105) and positioned on the face of the support. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the wiring clip of Shanmugham for the securing member (15) of Deneke because one would have been motivated to provide a securing member that does not require tools to install and is easier to apply as taught by Shanmugham. Deneke does not teach the framing member being metal. Rumbold teaches a method of securing electrical wiring to a two by four metal framing member comprising: positioning the wiring (39) parallel to the length of the framing member (see Fig. 1) and centrally positioning the wiring on the face of the framing member, wherein the wiring is located 1 ¼ inches from the first and second sides of the framing member; and securing a first arm of a flexible, metal wiring clip (40) to the metal framing member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted a two by four metal framing member for the wooden framing member because one would have been motivated to provide a framing member that is lightweight and further since wooden and metal framing members are well known in the framing art and the selection of any of these known equivalents would be within the level of ordinary skill in the art. Regarding claims 15, 16, 26, 30 and 31, Deneke in view of

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Shanmugham does not teach the wiring clip of Shanmugham being metal and being secured to the framing member by screws. Rumbold further teaches securing the first arm of a wiring clip (40) to the metal framing member by screws (150, 151), wherein the first arm is thin enough not to interfere with attachment of drywall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the wiring clip of Shanmugham to be formed of flexible metal and to have modified the first and second legs of the wiring clip to be thin and further secured to the framing member with fastening screws because one would have been motivated to permit attachment of the wiring clip to metal studs without interfering with the installation of drywall as taught by Rumbold (col. 8, lines 14-22).

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deneke in view of Shanmugham in view of Rumbold and further in view of U.S. Patent 3,508,730 to Knezo, Jr. (Knezo). Deneke in view of Shanmugham in view of Rumbold discloses the method of securing electrical wiring to a metal framing member with a wiring clip as applied above, but Shanmugham does not teach the step of compressing the wiring within the wire receiving area. Knezo discloses a wiring clip (21 - Fig. 5) comprising: a main body (22); a wire receiving area (the space located under 22) adjacent the main body; first and second arms (23/24; 25) each having respective first and second attachment means; and a substantially resilient, rubber wire compression member (29) located within the wire receiving area; wherein the wiring is compressed within the wire receiving area by the compression member. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have modified the wiring clip of Shanmugham to include a resilient, rubber wire compression member within the wire receiving area because one would have been motivated to provide a means for bearing pressure against the wiring to securely hold it against supporting member (i.e. framing member) as taught by Knezo (col. 5, lines 29-35).

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deneke in view of Shanmugham in view of Rumbold and further in view of U.S. Patent 4,538,782 to Kirschenbaum. Deneke in view of Shanmugham in view of Rumbold discloses the method of securing electrical wiring to a metal framing member with a wiring clip as applied above, but Shanmugham does not teach the first attachment means comprising a J-hook or the second attachment means comprising a bend that can be slipped around an inner edge of the second side of the framing member. Kirschenbaum discloses a wiring clip (10) attached to a framing member (11) comprising: a main body (15 generally) with a wire receiving area (22, 23), a first arm (35) having a J-hook (36 generally) attached to a first side (13) of the framing member, and a second arm having a bend (adjacent 34) slipped around a second side (12) of the framing member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted a J-hook and bend for the first and second attachment means of Shanmugham because one would have been motivated to permit slidable and secure attachment of the wiring clip to generally

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U-shaped framing members (such as the metal framing member shown in Fig. 12 of Rumbold) as taught by Kirschenbaum.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,626,316 to Smigel et al. (Smigel) in view of Kirschenbaum. Regarding claims 28 and 29, Smigel teaches a method for securing electrical wiring to a metal framing member (92) having a face (91) and two sides (93) with a wiring clip (10), wherein clip (10) comprises a main body (11 generally), a first arm (12), and a closeable wire receiving area (20, 21) located between the first arm (12) and a second end (at 11 in Fig. 1 generally) and comprising a snap mechanism (29, 34), the method comprising: attaching the first arm (12) of the clip (10) to a first side (93) of the framing member; positioning the electrical wiring (62, 63) parallel to the length of the framing member (92) and centrally locating the wiring on the face thereof; and closeably securing the electrical wiring to the framing member by receiving the electrical wiring within the closeable wire receiving area (defined within 20 and 21). Smigel does not teach the first arm including a first attachment means or the wiring clip including a second arm having a second attachment means for securing the clip to the metal framing member. Kirschenbaum discloses a wiring clip (10) attached to a framing member (11) comprising: a main body (15 generally) with a wire receiving area (22, 23), a first arm (35) having a first attachment means (36 generally) attached to a first side (13) of the framing member, and a second arm having a second attachment means (adjacent 34) attached to a second side (12) of the framing member. It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to have modified the wiring clip to include a first attachment means for attaching the first arm to the first side of the framing member and to include a second arm having a second attachment means for attaching the second arm to the second side of the framing member because one would have been motivated to permit slidable and secure attachment of the wiring clip to generally U-shaped framing members (such as the metal framing member shown in Fig. 5 of Smigel) as taught by Kirschenbaum so as to eliminate the need for permanent fasteners.

Response to Arguments

Applicant's arguments, see pages, filed 6/28/04, with respect to the rejection(s) of claim(s) 14-16, 18-20, 24-27 and 30-32 under Deneke, Fearing, Rumbold and Kirschenbaum have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection has been applied as cited above.


Applicant's arguments filed 6/28/04 with respect to Smigel and Kirschenbaum have been fully considered but they are not persuasive. In response to applicant's argument that there is no teaching or suggestion of the invention claimed, examiner respectfully disagrees since the substitution of the attachment means of Kirschenbaum for the mechanical fasteners of Smigel clearly provides an appreciable benefit as stated in the rejection cited above.


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Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
9/17/04


RAMON O. RAMIREZ
PRIMARY EXAMINER